

to correct this inconsistency; we have the responsibility.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER].

The question was taken; and the Chair announced that the noes appeared to have it.

Mrs. SCHROEDER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] will be postponed.

The point no quorum is considered as having been withdrawn.

Mr. MOORHEAD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. DREIER) having assumed the chair, Mr. EWING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a 3-judge panel, had come to no resolution thereon.

#### GENERAL LEAVE

Mr. MOORHEAD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1170, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House will stand in recess until 3 p.m. today.

Accordingly (at 1 o'clock and 59 minutes p.m.), the House stood in recess until 3 p.m.

□ 1502

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RIGGS) at 3 o'clock and 2 minutes p.m.

#### THREE-JUDGE COURT FOR CERTAIN INJUNCTIONS

The SPEAKER pro tempore (Mr. RIGGS). Pursuant to House Resolution 227 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 1170.

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1170) to provide that cases challenging the constitutionality of measures passed by State referendum be heard by a three-judge court, with Mr. EWING in the Chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] had failed by voice vote and a request for a recorded vote had been postponed.

#### AMENDMENT OFFERED BY MRS. SCHROEDER

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

#### RECORDED VOTE

The vote was taken by electronic device, and there were—ayes 177, noes 248, not voting 9, as follows:

[Roll No. 692]

#### AYES—177

|              |                |               |
|--------------|----------------|---------------|
| Abercrombie  | Fazio          | Manton        |
| Ackerman     | Fields (LA)    | Markey        |
| Baldacci     | Filner         | Martinez      |
| Barcia       | Flake          | Mascara       |
| Barrett (WI) | Foglietta      | Matsui        |
| Becerra      | Ford           | McCarthy      |
| Beilenson    | Frank (MA)     | McDermott     |
| Bentsen      | Frost          | McHale        |
| Berman       | Furse          | McKinney      |
| Bevill       | Gejdenson      | Meehan        |
| Bishop       | Gephardt       | Meek          |
| Bonior       | Gibbons        | Menendez      |
| Borski       | Gonzalez       | Mfume         |
| Boucher      | Green          | Miller (CA)   |
| Browder      | Gutierrez      | Mineta        |
| Brown (CA)   | Hall (OH)      | Minge         |
| Brown (FL)   | Hamilton       | Mink          |
| Brown (OH)   | Harman         | Moakley       |
| Bryant (TX)  | Hastings (FL)  | Mollohan      |
| Cardin       | Hefner         | Moran         |
| Chapman      | Hilliard       | Murtha        |
| Clay         | Hinches        | Nadler        |
| Clayton      | Holden         | Neal          |
| Clement      | Houghton       | Oberstar      |
| Clyburn      | Hoyer          | Obey          |
| Coleman      | Jackson-Lee    | Ortiz         |
| Collins (MI) | Jacobs         | Owens         |
| Costello     | Jefferson      | Pallone       |
| Coyne        | Johnson (SD)   | Pastor        |
| Cramer       | Johnson, E. B. | Payne (NJ)    |
| Danner       | Johnston       | Payne (VA)    |
| De la Garza  | Kanjorski      | Pelosi        |
| DeFazio      | Kaptur         | Peterson (FL) |
| DeLauro      | Kennedy (MA)   | Pickett       |
| Dellums      | Kennedy (RI)   | Pomeroy       |
| Deutsch      | Kennelly       | Poshard       |
| Dicks        | Kildee         | Rahall        |
| Dingell      | Klecza         | Rangel        |
| Dixon        | Klink          | Reed          |
| Doggett      | LaFalce        | Richardson    |
| Dooley       | Lantos         | Rivers        |
| Doyle        | Levin          | Rose          |
| Durbin       | Lewis (GA)     | Roybal-Allard |
| Edwards      | Lincoln        | Rush          |
| Engel        | Lipinski       | Sabo          |
| Eshoo        | Lofgren        | Sanders       |
| Evans        | Lowe           | Sawyer        |
| Farr         | Luther         | Schroeder     |
| Fattah       | Maloney        | Schumer       |

Scott  
Serrano  
Skaggs  
Skelton  
Slaughter  
Spratt  
Stark  
Stokes  
Studds  
Stupak

Tanner  
Thompson  
Thurman  
Torres  
Torricelli  
Towns  
Velazquez  
Vento  
Visclosky  
Volkmer

Ward  
Waters  
Watt (NC)  
Waxman  
Williams  
Wise  
Woolsey  
Wyden  
Wynn  
Yates

#### NOES—248

|               |               |               |
|---------------|---------------|---------------|
| Allard        | Ganske        | Ney           |
| Andrews       | Gekas         | Norwood       |
| Archer        | Geren         | Nussle        |
| Armey         | Gilchrest     | Orton         |
| Bachus        | Gillmor       | Oxley         |
| Baesler       | Gilman        | Packard       |
| Baker (CA)    | Goodlatte     | Parker        |
| Baker (LA)    | Goodling      | Paxon         |
| Ballenger     | Gordon        | Peterson (MN) |
| Barr          | Goss          | Petri         |
| Barrett (NE)  | Graham        | Pombo         |
| Bartlett      | Greenwood     | Porter        |
| Barton        | Gunderson     | Portman       |
| Bass          | Gutknecht     | Pryce         |
| Bereuter      | Hall (TX)     | Quillen       |
| Bilbray       | Hancock       | Quinn         |
| Bilirakis     | Hansen        | Radanovich    |
| Bliley        | Hastert       | Ramstad       |
| Blute         | Hastings (WA) | Regula        |
| Boehlert      | Hayes         | Riggs         |
| Boehner       | Hayworth      | Roberts       |
| Bonilla       | Hefley        | Roemer        |
| Bono          | Heineman      | Rogers        |
| Brewster      | Herger        | Rohrabacher   |
| Brownback     | Hilleary      | Ros-Lehtinen  |
| Bryant (TN)   | Hobson        | Roth          |
| Bunn          | Hoekstra      | Roukema       |
| Bunning       | Hoke          | Royce         |
| Burr          | Horn          | Salmon        |
| Burton        | Hostettler    | Sanford       |
| Buyer         | Hunter        | Saxton        |
| Callahan      | Hutchinson    | Scarborough   |
| Calvert       | Hyde          | Schaefer      |
| Camp          | Inglis        | Schiff        |
| Canady        | Istook        | Seastrand     |
| Castle        | Johnson (CT)  | Sensenbrenner |
| Chabot        | Johnson, Sam  | Shadegg       |
| Chambliss     | Jones         | Shaw          |
| Chenoweth     | Kasich        | Shays         |
| Christensen   | Kelly         | Shuster       |
| Chrysler      | Kim           | Sisisky       |
| Clinger       | King          | Skeen         |
| Coble         | Kingston      | Smith (MI)    |
| Coburn        | Klug          | Smith (NJ)    |
| Collins (GA)  | Knollenberg   | Smith (TX)    |
| Combust       | Kolbe         | Smith (WA)    |
| Condit        | LaHood        | Solomon       |
| Cooley        | Largent       | Souder        |
| Cox           | Latham        | Spence        |
| Crane         | LaTourette    | Stearns       |
| Crapo         | Laughlin      | Stenholm      |
| Cremins       | Lazio         | Stockman      |
| Cubin         | Leach         | Stump         |
| Cunningham    | Lewis (CA)    | Talent        |
| Davis         | Lewis (KY)    | Tate          |
| Deal          | Lightfoot     | Tauzin        |
| DeLay         | Linder        | Taylor (MS)   |
| Diaz-Balart   | Livingston    | Taylor (NC)   |
| Dickey        | LoBiondo      | Thomas        |
| Doolittle     | Longley       | Thornberry    |
| Dornan        | Lucas         | Thornton      |
| Dreier        | Manzullo      | Tiahrt        |
| Dunn          | Martini       | Trafficant    |
| Ehlers        | McCollum      | Upton         |
| Ehrlich       | McCrery       | Vucanovich    |
| Emerson       | McDade        | Waldholtz     |
| English       | McHugh        | Walker        |
| Ensign        | McInnis       | Walsh         |
| Everett       | McIntosh      | Wamp          |
| Ewing         | McKeon        | Watts (OK)    |
| Fawell        | McNulty       | Weldon (FL)   |
| Fields (TX)   | Metcalf       | Weldon (PA)   |
| Flanagan      | Meyers        | Weller        |
| Foley         | Mica          | White         |
| Forbes        | Miller (FL)   | Whitfield     |
| Fowler        | Molinari      | Wicker        |
| Fox           | Montgomery    | Wilson        |
| Franks (CT)   | Moorhead      | Wolf          |
| Franks (NJ)   | Morella       | Young (AK)    |
| Frelinghuysen | Myers         | Young (FL)    |
| Frisa         | Myrick        | Zeliff        |
| Funderburk    | Nethercutt    | Zimmer        |
| Gallegly      | Neumann       |               |